



18 October 2024

Ivy

**By email:** [foi+request-12021-8e2944f3@righttoknow.org.au](mailto:foi+request-12021-8e2944f3@righttoknow.org.au)

Dear Ivy

### **Freedom of Information request — Request consultation process**

Thank you for your correspondence of 7 September 2024, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

### **Scope of your request**

You have requested access to the following documents:

*“I am seeking release of any internal guidelines, operational guidelines or rules that have been created or in the process of being created that are to be implemented on October 3, 2024 in relation to the new NDIS Act that received Royal Assent on September 6, 2024.*

*Anything that relates in particular to Psychosocial disability would be appreciated.”*

### **Practical refusal**

I am authorised to make decisions under section 23(1) of the FOI Act.

I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its other operations due to its size and broad scope. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

### **Why I intend to refuse your request**

The Service Design and Guidance Team have conducted a preliminary search for documents which are likely to be relevant to your request. This search has revealed that the NDIA is in possession of more than 100 individual documents matching the scope of your request, not including any attachments which may be contained within those documents.

On my reasonable estimate, I consider that there is more than 2000 pages worth of material that falls within the scope of your request as currently worded. At a conservative estimate of

1 minute per page, this would take an FOI officer more than 33 hours to simply review and collate the documents.

The documents that are assessed as being within scope of the request will then need to be reviewed for any sensitivities and possible exemption under the FOI Act and scheduled, we will need to consider any consultations and carry these out if required, a decision will need to be made on each document, and a decision letter prepared. This will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

To reduce the scope of your request, you might like to consider:

- Internal guidelines, operational guidelines or rules that have been created or in the process of being created that are to be implemented on October 3, 2024 that only relate to Psychosocial disabilities.

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request
- b. make a revised request
- c. indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at [xxx@xxxx.xxx.xx](mailto:xxx@xxxx.xxx.xx)

Alternatively, you can reply in writing to the following address:

Freedom of Information Section  
Parliamentary, Ministerial & FOI Branch  
Government Division  
National Disability Insurance Agency  
GPO Box 700  
CANBERRA ACT 2601

If you do not contact me within this period, that is by 1 November 2024, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. M. S.', written in a cursive style.

**Kate**  
Senior Freedom of Information Officer  
Parliamentary, Ministerial & FOI Branch  
Government Division